

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jim Chu et al.	Examiner:	Philip Lee
Serial No.:	09/884,674	Group Art Unit:	2448
Filed:	June 19, 2001	Docket:	884.441US1
Customer No.	45457	Confirmation No.:	3214
Title:	SYSTEM AND METHOD FOR AUTOMATIC AND ADAPTIVE USE OF ACTIVE NETWORK PERFORMANCE MEASUREMENT TECHNIQUES TO FIND THE FASTEST SOURCE		

NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with 37 C.F.R. § 41.31(a)(1), Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 1, 2009 of the Examiner rejecting claims 1, 3-11, and 19-35 of the above-identified patent application.

A request for an extension of time to respond to the Examiner's rejection is submitted herewith along with payment of the required extension fee.

Please charge the amount of \$540.00 in payment of the Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1), as well as any additional required fees, to Deposit Account No. 19-0743.


A Pre-Appeal Brief Request for Review is submitted herewith.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6954

Date 1 October 2009

By


Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of October, 2009.

Rodney L. Lacy
Name


Signature